

July 8, 1999

Advisory groups complete their work

The Ergonomics Rule Making Advisory Committee held far-reaching, productive, and lively discussions that spanned seven meetings and five months. The Department of Labor and Industries convened the 30-member group last February. Members included representatives from large and small businesses, labor representatives, and health care professionals.

L&I asked members for ideas that would help the department write a rule proposal and implementation plan that would be fair, flexible and easy to understand. Even with their divergent views, the committee members came up with some promising ideas and identified possible pitfalls.

During the series of full-day meetings, L&I asked the advisory committee members to help answer six questions, which represented the major areas of concern raised at last October's rule-development conferences. (See Rule-making process: What's happened so far?) The questions were:

- When would an employer have to do something under the rule?
- Who will the rule apply to?
- What work-related musculoskeletal disorders will the rule be designed to prevent?
- Would a rule with general requirements offering flexibility in approaches to compliance, or a rule that spells out very specific requirements be preferable?
- What specific elements should a rule require?
- How will employers know when they have complied with the rule?

The committee assessed the strengths and limitations of options that dealt with the preceding questions. L&I then asked the committee to look at several models of how a proposed rule could be constructed. Promising ideas that L&I will use to guide its rule-writing effort emerged from these discussions:

1. The proposed rule will be short and written in a clear, easy-to-understand format.
2. The proposal will take a preventative approach.
3. The proposal's goal will be to eliminate or reduce hazards for work-related, non-traumatic, soft tissue musculoskeletal disorders (not including injuries from slips, falls, motor vehicle accidents).
4. The focus of the proposal will be preventing injuries. It is not intended to address the medical treatment of work-related injuries or affect workers' compensation practices.
5. Employee involvement will be an essential element of the proposal.
6. In workplaces where there are only minor hazards related to musculoskeletal injuries, employers would not be required to do as much as employers whose workplaces have significant hazards.

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7. The proposal will recognize that finding permanent solutions to fix some hazardous jobs could take time.
8. The proposal will allow basic awareness education to be "portable" between employers.
9. Record keeping requirements in the proposal will be limited.
10. Existing ergonomics programs that meet the basic requirements of the proposal will be considered "in compliance."
11. Delayed enforcement provisions will be part of the proposed implementation plan to allow ample time for affected employers and employees to learn what the rule requires, try things out, and come into compliance before each element of the rule is enforced.
12. The development of industry-specific "best practices" will be encouraged as part of the implementation plan, but will not be a required part of the proposed rule.
13. The proposed implementation plan will include comprehensive training for L&I inspectors and consultants on the new rule. Regional workshops and site visits will also be offered before enforcement begins to give employers and employees an opportunity to learn how the rule would apply to their particular business.
14. Small business resource concerns will be taken into account in the proposed rule and implementation plan.
15. The proposal will not impose a one-size-fits-all approach. The goal is to strike a balance between general performance-based elements and some specifics so that the requirements are flexible, and yet employers and employees will know clearly what to do.

The committee's last meeting was held June 29, 1999. Details of the meetings are posted on the web.

The Subcommittee on Ergonomics Rule Making, established by the Construction Advisory Committee (CAC), held its last meeting on June 16. L&I facilitated the meetings for this CAC-sponsored group. The subcommittee looked at the same questions as the advisory committee, but focused on how an ergonomics rule could operate effectively in the construction industry. A number of the ideas shown above were suggested or supported by individual members of the CAC subcommittee.

Both advisory groups also offered creative suggestions for increasing the amount of ergonomics-related information available to employers and enhancing education and training on ergonomics.

The Department of Labor and Industries would like to thank all the members of both advisory groups for their dedication and quality work.

Rule-making process: What comes next?

The advisory groups have completed their work, but for L&I staff, there are busy months ahead. L&I anticipates publishing the proposed rule sometime this fall.

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Activities that need to occur first include:

- Completing an analysis of the advisory groups' comments.
- Discussing the advisory groups' ideas with WISHA consultation and compliance staff and other agency personnel.
- Work on developing new technical assistance resources to complement existing education, consultation, and research activities on ergonomics.
- Completing a Small Business Economic Impact Study, which includes the telephone survey discussed below.
- Drafting the proposed rule and implementation plan; continuing to talk with individuals and groups on specific issues.
- Preparing required documents for a proposed rule as required under the Administrative Procedures Act (APA) and Regulatory Fairness Act.

Once a proposed rule is published, the APA allows six months for L&I to adopt the rule. Public hearings and the review of written public comments occur during that time. Detailed information about the proposal and the public hearing dates will be provided in a future edition of Ergonomics Update, **well in advance of the public hearings**.

Toolbox "spin-off" starts soon

On Wednesday morning, July 21, L&I will hold the first of two "getting started" meetings to begin developing an Ergonomics Toolbox – a compilation of practical information for employers and employees on workplace ergonomics. The need for information and education on workplace ergonomics was one area of strong interest that surfaced in the two advisory groups. They said these resources would be useful with or without an ergonomics rule. Many members suggested that L&I work with business and labor to:

- Provide basic awareness education materials for employers and employees.
- Help employers train trainers and train employees.
- Create tools, such as checklists, that employers can use or modify to help find and fix hazards.
- Prepare information on industry-specific control measures.

A second meeting will be held in Eastern Washington (date to be determined). At these meetings, those who volunteer will be asked to suggest approaches and a process that use their time and knowledge most effectively and build on existing L&I resources. If you are interested in being a part of either of these meetings, please call 360-902-6515 for details or send an [e-mail](#).

Telephone survey will help assess economic impacts

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This month, Gilmore Research Inc. in Seattle is conducting a telephone survey of Washington employers for L&I. The survey data will help L&I assess how possible features of an ergonomics rule might affect different categories and sizes of industry. This assessment is one of the rule-making requirements of the APA (Chapter 34.05 RCW).

Employers from different industries and company sizes were randomly selected for the survey. No identifying information will be attached to the survey data Gilmore returns to L&I. If you have questions, call 360-902-6805.

Rule-making process: What's happened so far?

If you're reading an Ergonomics Update for the first time, you might be wondering what's been going on. Here is a summary:

Work-related musculoskeletal disorders (MSDs) are among the most common and costly occupational injuries and illnesses in the United States and in Washington state. For a decade, employers and employees seeking to reduce or prevent these injuries could turn to L&I for technical assistance and information. Although these voluntary efforts have had some impact, thousands of employees in Washington continue to suffer these preventable injuries. Many of Washington's businesses have yet to use ergonomics in their workplaces.

Last summer, after discussions with business and labor leaders, L&I Director Gary Moore decided that L&I should develop a workplace safety and health regulation or "rule" that addresses work-related musculoskeletal disorders. The rule-making process, which business and labor leaders reviewed and helped to shape, emphasizes public participation. During this process, L&I has already:

- Held nine public meetings in seven cities across the state to identify issues and concerns that needed to be considered during rule making. (October 1998)
- Launched an ergonomics web page to keep interested parties informed about the rule-making process. (November 1998)
- Filed the CR-101, "Pre-proposal of Inquiry" with the Washington State Code Reviser's Office. The CR-101 notifies the public that L&I is considering rule making on prevention of work-related musculoskeletal disorders. It appeared in Volume 98-24-093 of the Washington State Register. (December 1998)
- Met for five months with an advisory committee that included representatives from large and small businesses, labor and health care professionals. The advisory committee's discussions focused on the major areas of concern raised at rule-development conferences. (February-June 1999)

For more background information, see Update #1 and Update #2.

Keep in touch via the Internet

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L&I's ergonomics web page gives you a place to check for updates on the rule-making process, learn about L&I's educational resources on ergonomics, and link to other ergonomics sites. You can even provide feedback via e-mail.

Ergonomics Update: MSD Prevention in the Workplace is published periodically by the Washington State Department of Labor and Industries, WISHA Services Division, to share information about ergonomics and Washington's rule making to prevent work-related musculoskeletal disorders. Call 360-902-6515 to be added to the mailing list.